

TOWN OF LAMOINE
OFFICE OF CODE ENFORCEMENT
606 DOUGLAS HIGHWAY
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11/30/19

NOTICE OF RE-CONSIDERATION
FOR THE APPEALS BOARD OF LAMOINE, MAINE

On October 29th, 2019 the Lamoine Board of Appeals met regarding the Moldower vs. CEO appeal and rendered the following motions:

- #1. "I move to uphold the appeal in so far as the CEO did not correctly interpret the building height definition in the BLUO because she did not calculate the distance between the highest point on the structure to the original grade versus the highest point on the structure to the finished grade to determine if there was a difference."
- #2. "I move to remand this matter to the CEO for reconsideration."

When Tom True applied for his building permit on 4/4/18 he made it very clear to me that he would be following the Maine Uniform Building and Energy Code (known as MUBEC) as required by Lamoine's Building and Land Use Ordinance Section 1.3.A. The aforementioned ordinance states that it, "applies to all construction in Lamoine."

MUBEC standards require that the height of all buildings be measured from average final grade. Mr. True told me on 4/4/18 that his building would be less than the maximum height of 35' based on measuring from the average final grade. I accepted this.

Mr. True submitted lengthy, detailed plans for his project. He followed them exactly.

The shoreside of the basement floor is at original grade as described in the True application. It is demonstrated in the permit application that the house is under the 35' maximum. The construction of the project was done in accordance with the application. The permit was never challenged by anyone.

Due to two complaints about the height of the house, with the help of John Holt, the True house was measured twice by Mr. Holt and me. Both times, it was about 4" under the 35" maximum requirement.

These measurement were done with a series of 6' pipes which we screwed together, lacking the tools and expertise to conduct the elevation survey from the original ground.

The Town of Lamoine's BLUO has a MUBEC code requirement to measure from average final grade and a definition of "Building Height" that may imply a measurement from original grade. Under either situation, the True house has not demonstrated that it violates the BLUO in any way.

A handwritten signature in black ink, appearing to read 'Rebecca Albright', with a large, stylized initial 'R' and a long, sweeping horizontal stroke extending to the right.

Rebecca Albright, CEO